

Notice of Allowability

Application No.

10/675,498

Examiner

Shay L. Karls

Applicant(s)

LEE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/29/07.
2. ☒ The allowed claim(s) is/are 1, 3-9, 11, 12, 13-16 (renumbered 1, 2-8, 10, 9, 11-14).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11/2/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joe Krause on 11/1/07.

The application has been amended as follows:

Replace existing claim 1 with the following claim 1:

1. A bagless vacuum cleaner comprising:

a brush;

a driving motor for generating a suction force;

a main body including said driving motor and a filter mounting into which a filter assembly can be inserted;

a dust suction tube having one end connected to said filter mounting and the other end connected to said brush;

the filter assembly is mounted within said filter mounting to filter out dust from external air drawn into said main body through said dust suction tube and said brush, the filter assembly being comprised of a filter housing having a top, an opposing bottom and first and second sides,

the filter assembly is mounted into the filter mounting by first inserting the bottom of the filter housing into the filter mounting,

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the top, bottom and first and second sides substantially enclosing at least one filter unit, the filter housing also having a safety lever at the bottom of the filter housing,

the safety lever having a locking projection that can be inserted into a hole formed in the bottom of the filter housing,

the safety lever protruding outwardly from the bottom of the filter housing if the at least one filter unit is not fully installed into the filter housing, thereby preventing the filter assembly from being installed into the main body,

the safety lever being located within the filter housing and the locking projection being located within the hole in the bottom of the filter housing when the at least one filter unit is fully installed into the filter housing thereby allowing the filter assembly to be installed into the main body; and

a main body cover forming an outer surface of the bagless vacuum cleaner and coupled with said filter assembly to facilitate the insertion and removal of said filter assembly into and from said filter mounting and being capable of locking to said main body.

Replace existing claim 8 with the following claim 8:

8. A bagless vacuum cleaner comprising:
a brush;

a driving motor for generating a suction force;

a main body including said driving motor and a filter mounting into which a filter assembly can be inserted;

a dust suction tube having one end connected to said filter mounting and the other end connected to said brush;

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a cyclone dust collector provided in said dust suction tube for separating said dust from air drawn into the collector by circulating the air within the cyclone dust collector;

the filter assembly is mounted into said filter mounting and comprising a filter housing, a first filter unit and a second filter unit to filter out dust and dirt from external air drawn into said main body through said dust suction tube and said brush, the filter housing having a top, an opposing bottom and first and second sides;

the filter assembly is mounted into the filter mounting by first inserting the filter housing bottom into the filter mounting and thereafter sliding the filter housing into the filter mounting,

the filter housing enclosing the first and second filter units, the filter housing having a safety lever at the bottom of the filter housing,

the safety lever having a locking projection that can be inserted into a hole formed in the bottom of the filter housing,

the safety lever protruding outwardly from the bottom of the filter housing if the first and second filter units are not fully installed into the filter housing, and which thereby prevents the filter assembly from being installed into the main body,

the safety lever being located within the filter housing and the locking projection being located within the hole in the bottom of the filter housing when the first and second filter units are fully installed into the filter housing thereby allowing the filter assembly to be installed into the main body; and

a main body cover having first, second and third hooks, each of which are shaped and configured to engage said filter assembly, and a handle that projects upwardly from the main body for facilitating the selective insertion and removal of said filter assembly into and from said filter mounting.

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Cancel claim 10

Replace existing claim 14 with the following claim 14:

14. A bagless vacuum cleaner comprising:

a brush;

a driving motor for generating a suction force;

a main body including said driving motor and a filter mounting into which a filter assembly can be inserted, the filter mounting having a filter guide;

a dust suction tube having one end connected to said filter mounting and the other end connected to said brush;

a cyclone dust collector provided in said dust suction tube to remove dust from air drawn into the cyclone dust collector by circulating the air within the cyclone dust collector;

the filter assembly is mounted within said filter mounting and comprising a filter housing and a first filter unit locked into said filter housing, the filter housing having a top, an opposing bottom and at least one side,

the filter housing bottom is inserted first into the filter mounting, the filter housing enclosing the first filter unit, the filter housing having a safety lever at the bottom of the filter housing,

the safety lever having a locking projection that can be inserted into a hole formed in the bottom of the filter housing,

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the safety lever protruding outwardly from the bottom of the filter housing If the first filter unit is not fully installed into the filter housing, and which thereby prevents the filter housing bottom from being installed into the filter mounting in the main body,

the safety lever being located within the filter housing and the locking projection being located within the hole in the bottom of the filter housing when the first filter unit is fully installed into the filter housing to thereby allow the filter housing bottom to be installed into the filter mounting; and

a main body cover, forming an outer surface of the bagless vacuum cleaner, and detachable from said filter assembly, said main body thereby being provided with a handle, which projects away from the main body.

The following is an examiner's statement of reasons for allowance:

Claims 1, 8 and 14 all include the limitation that the filter assembly comprises a filter unit (s) and a filter housing with a top, bottom and sides. The bottom of the filter housing is inserted first in the filter mounting. The bottom of the filter housing has a safety lever. The safety lever comprises a locking projection and the bottom of the filter housing further comprises a hole for receiving the locking projection. If the filter unit(s) is properly installed into the filter housing, then the safety lever will be positioned within the filter housing and the locking projection will be received within the hole in the bottom of the filter housing. This will allow the filter assembly to be installed into the filter mounting in the main body. However, if the filter unit(s) is not installed properly into the filter housing, then the safety lever will protrude outwardly and not allow the filter assembly to be inserted into the filter mounting.

Oh ('590) is the closest prior art of record. Oh teaches a filter mounting (100) and a filter assembly (300). The filter assembly (310) comprises a filter housing having a top, a bottom and

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sides. There is further a filter unit (311) positioned within the filter housing. Oh teaches a safety lever (530) that needs to be in a certain location in order for the filter assembly to be positioned within the filter mounting however, the safety lever is not located on the bottom of the filter housing, nor is there a locking projection on the safety lever for being received within a hole on the bottom of the filter housing. It would not have been obvious to modify the lever of Oh so that it is located on the bottom of the housing since the position of the lever in Oh is controlled by the handle (330). The handle is rotated to lock or unlock the housing within the filter mounting. The lever of Oh is not affected by the filter unit and whether or not it is properly positioned within the housing. Further it would not have been obvious to one of ordinary skill in the art to include a locking projection on the lever of Oh that would be received within a hole in the bottom of the filter housing since there is no motivation or teaching in the prior art to do so. If a locking projection were added to the lever, the projection would be received in a sidewall of the filter mounting and not the bottom of the filter housing.

For the reasons listed above, the application is free from the prior art.

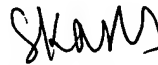
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Shay L Karls
Patent Examiner
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